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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,086	10/29/2001	Nathaniel T. Becker	GC644-3	8483

5100 7590 02/14/2003

GENENCOR INTERNATIONAL, INC.
925 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER

KUMAR, PREETI.

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 02/14/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,086

Applicant(s)

BECKER ET AL.

Examiner

Preeti Kumar

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 or 5. 6) ☐ Other:

DETAILED ACTION

1. Claims 1-27 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Herrmann et al. (US 6,248,706.

Herrmann et al. teach an activity-stable and low-dust enzyme granulate for washing and cleaning applications, e.g. for use in granular washing and cleaning agent compositions. See abstract.

Specifically regarding claim 2, Herrmann et al. teach that the enzyme granulates contain a cellulase, lipase, catalase, oxidase, peroxidase, thermostable .alpha.-amylase or a protease. See col.8, ln.20-25.

Specifically regarding claims 3-4, Herrmann et al. teach that the enzyme preparations may contain a single enzyme or a mixture of enzymes, but also subordinate amounts of other accompanying substances that are dependent on the preparation method. Examples of such accompanying substances are, e.g., salts, which are added for precipitation or crystallization of the enzyme from an enzyme concentrate, such as is obtained after separation of the biomass from a fermentation broth, or accompanying substances that are already contained in the enzyme concentrates such as proteins, peptides, amino acids, and, e.g., monomeric, dimeric, trimeric, oligo- and polymeric saccharides; the accompanying substances that are added or that are already in the enzyme concentrate could be enclosed in the precipitation or crystallization partially by the enzyme precipitate. See col.7, ln.45-60.

Specifically regarding claims 5-7, Herrmann et al. teach that the enzyme granulate can be fed to a high-speed mixer and after drying the enzyme granulate can additionally be coated in a customary way with a varnish or film or other protective

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coating. The coating or varnish can contain an additional enzyme or, alternatively can serve to color the granulate or for protection of the enzyme. See col.6, ln.8-45.

Specifically regarding claims 15-18, Herrmann et al. teach catalase enzymes are very practical enzymes for use in formulating an enzyme granulate for washing and cleaning and the genus *Aspergillus*, can be used for preparation of the enzyme or enzyme mixtures; other sources for appropriate enzymes are *Ascomycetes*, *Streptomyces*, *Humicola*, or *Micrococcus*. See col.7, ln.10-30.

Specifically regarding claims 8-14 and 23-27, Herrmann et al. teach a method for preparation of an enzyme granulate for washing and cleaning applications comprising 0.1 to 25 parts by weight enzyme or enzyme mixture (calculated as dry substance content of the enzyme preparation that is used), 75 to 99.9 parts by weight (including moisture content) of an organic flour type with a degree of grinding of 30 to 100%, and where the parts by weight of the enzyme or enzyme mixture and of the flour type add up to 100 parts by weight. See col.2, ln.19-67. Furthermore, Herrmann et al. clearly state that the enzyme granulate may be coated with a coating containing an additional enzyme. See col.6, ln.28-35.

Accordingly, the broad teachings of Herrmann et al. appear to anticipate the material limitations of the instant claims.

Alternatively, even if the broad teachings of Herrmann et al. are not sufficient to anticipate the material limitations of the instant claims, it would have been nonetheless obvious to one of ordinary skill in the art, to arrive at a particle containing a peroxide sensitive enzyme and a hydrogen-peroxide:hydrogen-peroxide-reductase (catalase) as

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recited in the instant claims because Herrmann et al. teach that the enzyme granulate may be coated with a coating containing an additional enzyme in general.

Conclusion

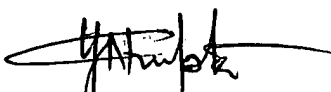
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above. Applicant is reminded that any evidence to be presented in accordance with 37 CFR 1.131 or 1.132 should be submitted before final rejection in order to be considered timely.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-872-9309.

PK
February 10, 2003


YOGENDRA N. GUPTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Preeti Kumar
Examiner
Art Unit 1751